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15 Attorneys for Defendants

16 **UNITED STATES DISTRICT COURT**
17 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

18 JENNY LISETTE FLORES; *et al.*,

19 Plaintiffs,

20 v.

21 WILLIAM P. BARR., Attorney
22 General of the United States; *et al.*,

23 Defendants.

Case No. CV 85-4544-DMG

**Defendants' Ex Parte Application for
Expanded Page Limit;**

**Memorandum of Points and
Authorities;**

Declaration;

[PROPOSED] Order.

[Hon. Dolly M. Gee]

Defendants' Ex Parte Application For Expanded Page Limit

Pursuant to Local Rule 7-19, Defendants hereby apply ex parte for an order from this Court allowing Defendants sixty (60) pages in which to file a single consolidated memorandum of points and authorities with this Court that: (1) addresses the supplemental briefing ordered by the Court, ECF No. 525 (Nov. 21, 2018); (2) notices the termination of the *Flores* Settlement Agreement (“Agreement”); and (3) moves, in the alternative, to terminate the Agreement. A single consolidated memorandum will aid the Court and the parties given the overlapping issues and the length and comprehensiveness of the newly-issued rule implementing the Flores Agreement.

Defendants request this expansion of the page limit for the reasons set forth in the accompanying memorandum of points and authorities and Declaration. Counsel for Defendants’ reached out to counsel for Plaintiffs, Carlos Holguin, by email on August 26, and 28 to request counsel’s position on this request. Plaintiffs’ counsel stated that he opposes Defendants’ request in part.

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1 Dated: August 29, 2019

Respectfully submitted,

2 JOSEPH H. HUNT

3 Assistant Attorney General

4 Civil Division

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Special Counsel to the Assistant Attorney General

6 WILLIAM C. PEACHEY

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11 /s/ Sarah B. Fabian

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1 **Memorandum of Points and Authorities**

2 In September 2018, the government issued a notice of proposed rulemaking
3 to implement the *Flores* Settlement Agreement (“Agreement”). On November 2,
4 2018, Plaintiffs filed a motion to enforce, which asked the Court to enjoin the
5 Government from implementing final regulations that—Plaintiffs alleged—failed to
6 implement the Agreement. ECF No. 516. On November 21, 2018, this Court
7 deferred ruling on Plaintiffs’ motion, and provided a schedule for the parties to
8 supplement the briefing on that motion following the issuance of a final rule. ECF
9 No. 525.

10 On August 23, 2019, Defendants issued final regulations implementing the
11 *Flores* Settlement Agreement. In accordance with the Court’s November 21, 2018
12 order, the parties must file supplemental briefing regarding Plaintiffs’ pending
13 motion on or before August 30, 2019. *See* ECF No. 525. In order to ensure that all
14 issues relevant to the termination of the Agreement are before the Court at one time
15 and in a timely and efficient manner, Defendants intend to file a single consolidated
16 memorandum of law that addresses three issues: (1) the supplemental response to
17 Plaintiff’s motion to enforce; (2) a notice of termination of the Agreement explaining
18 that the Agreement terminates by its terms on October 7, 2019; and (3) an alternative
19 motion to terminate the Agreement. Combining these multiple filings into a single
20 consolidated memorandum of law—and filing all of Defendants’ arguments and the
21 motion at the same time as the supplemental briefing—is the most efficient way for
22 the parties and the Court to consider all of the parties’ arguments related to the
23 termination of the Agreement. Moreover, this consolidation will allow for a schedule
24 that will permit the Court to promptly address all of the legal issues related to
25 termination of the Agreement (allowing time for Plaintiffs to respond to Defendants’
26 motion and for this Court to hear it) prior to the Agreement’s termination date.

27 A single memorandum of law of sixty pages is needed given the length and
28 comprehensiveness of the final rule. The final rule is very long—comprising 144

1 pages of the Federal Register—and addresses policies and procedures at multiple
2 agencies and components, governing wide range of circumstances involving
3 children in immigration custody. Plaintiffs also have raised multiple arguments in
4 their Motion to Enforce. Addressing the new rule and the termination of the
5 Agreement comprehensively warrants a focused presentation addressing all of the
6 legal issues. Allowing Defendants to file a single memorandum of sixty pages will
7 permit that.

8 Defendants have conferred with Plaintiffs who have stated that they partially
9 oppose this request. Plaintiffs state that they oppose the government’s request to file
10 a combined memorandum. Plaintiffs also state that they oppose an overlength filing
11 in response to the Motion to Enforce (which they state would be limited to 25 pages
12 under Local Rule 11-6). Finally, Plaintiffs state that they take no position to the
13 extent the government seeks additional pages in support of a motion to terminate in
14 the alternative. Defendants respectfully disagree with Plaintiffs that the parties or the
15 Court will be better served with multiple legal briefs from the government of varying
16 lengths rather than a single consolidated memorandum of law.

17 For all of these reasons, and because Defendants are combining multiple
18 filings into a single brief, Defendants respectfully request that the Court allow them
19 a page limit of sixty (60) pages for their combined filing.

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1 Dated: August 29, 2019

Respectfully submitted,

2 JOSEPH H. HUNT

3 Assistant Attorney General

4 Civil Division

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18 Attorneys for Defendants

Certificate of Service

I hereby certify that on August 29, 2019, I served the foregoing pleading on all counsel of record by means of the District Clerk's CM/ECF electronic filing system.

/s/ Sarah B. Fabian
SARAH B. FABIAN
U.S. Department of Justice
District Court Section
Office of Immigration Litigation

Attorney for Defendants